

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | |
|-----------------------------|--------------------------|
| DENNIS MCKEITHAN, |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| JEFFREY BEARD, SECRETARY OF | Civil Action No. 06-965 |
| CORRECTIONS, et al., | Judge Lancaster |
| | Magistrate Judge Caiazza |
| Defendants. |) |

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

For the reasons set out in the Reports and Recommendations addressing the Defendants' Motions for Summary Judgment, filed this date, it is respectfully recommended that the Motion for Summary Judgment filed by the Plaintiff (Doc. 89) be denied.

In accordance with the Magistrate's Act, 28 U.S.C. § 636 (b) (1) (B) and (C), and Rule 72.1.4 (B) of the Local Rules for Magistrates, objections to this Report and Recommendation are due by December 17, 2007.

November 30, 2007

s/Francis X. Caiazza
Francis X. Caiazza
United States Magistrate Judge

CC:

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